

IN THE SUPREME COURT OF THE STATE OF ALASKA

KEVIN MEYER, LIEUTENANT
GOVERNOR OF THE STATE OF
ALASKA and the STATE OF ALASKA,
DIVISION OF ELECTIONS,

Appellants,

v.

ALASKANS FOR BETTER
ELECTIONS,

Appellee.

FILED
STATE OF ALASKA
2020 FEB 24 PM 4:10
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BY
DEPUTY CLERK

3-17629

Supreme Court No. S-15626

FC Cir 2-25-20
Jm

2/25/20
-SEA

Trial Court Case No. 3AN-19-09704 CI

STATE'S NOTICE OF RELEVANT DATES

As discussed at the February 19, 2020, oral argument in this matter, the State provides this notice of election-related dates for the Court to consider in timing the issuance of its decision in this case. From the State's perspective, the Court's decision is needed at least one day before the ballots are sent to the printer for the election in which 19AKBE would—if approved by the Court—appear on the ballot. But that deadline is not yet known, because it will depend on contingencies that are explained in the attached Affidavit of Gail Fenumiai, Director of the Division of Elections.

The Court's decision could be needed as soon as June 29, which is the day before the ballots are sent to the printer for the August 18 primary election. If the Lieutenant Governor certifies that the sponsors have gathered the requisite signatures, the Division must put 19AKBE on the ballot at the next scheduled election that is at least 120 days

after the Legislature adjourns.¹ So 19AKBE would—if approved by the Court—appear on the ballot in the August 18 primary election if the Legislature adjourns by April 19.

But if the Legislature adjourns *after* April 19, 19AKBE would have to appear on the ballot at the next scheduled election that is at least 120 days after the Legislature adjourns.² This would be either the November 3 general election, or an intervening special election if one is held on the pending recall petition. The ballots are submitted to the printer for the November 3 general election on September 1, meaning a decision would be needed by August 31 if 19AKBE were going on the general election ballot. But the ballot printing deadline for an intervening special election would depend on if and when such an election is held, which are currently unknowns.

The State understands that the sponsors also intend to submit something to the Court explaining their views on the timing of the Court's decision. The parties will update the Court when more information is available.

DATED February 24, 2020.

KEVIN G. CLARKSON
ATTORNEY GENERAL

By:



Laura Fox
Alaska Bar No. 0905015
Margaret Paton Walsh
Alaska Bar No. 0411074
Assistant Attorneys General

¹ See Alaska Const. art. XI, sec. 4.

² See *id.*

anc.law.ecf@alaska.gov

FILED
STATE OF ALASKA
APPELLATE COURTS

2020 FEB 24 PM 1:11

BY
DEPUTY CLERK

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GOVERNOR OF THE STATE OF)
ALASKA and the STATE OF ALASKA,)
DIVISION OF ELECTIONS,)

Appellants,)

v.)

ALASKANS FOR BETTER)
ELECTIONS,)

Supreme Court No. S-17626

Appellee.)

Trial Court Case No. 3AN-19-09704 CI

AFFIDAVIT OF GAIL FENUMIAI IN SUPPORT OF
NOTICE OF RELEVANT DATES

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

I, Gail Fenumiai, being first duly sworn, depose and state that:

1. I am the Director of the Division of Elections.

2. In order to include the initiative 19AKBE on the ballot for an election, the Division of Election needs to know at least one day before the ballots are submitted to the printer for that election.

3. The ballots for the August 18, 2020, primary election will be submitted to the printer on June 30, 2020.

4. The ballots for the November 3, 2020, general election will be submitted to the printer on September 1, 2020.

5. The ballots for an intervening special election, if one occurs, will be submitted to the printer on a date that is not yet known and that would depend on the timing of that election.

6. Thus, the earliest date the Division would need to know the Court's decision would be June 29, the day before the ballots are submitted to the printer for the August 18 primary election. 19AKBE would—if approved by the Court—appear on the ballot in that election if the Lieutenant Governor certifies that the sponsors have gathered the requisite signatures *and* the Legislature adjourns by April 19.

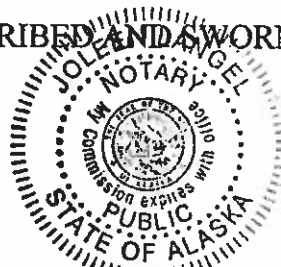
7. If the Legislature adjourns *after* April 19, 19AKBE would have to appear on the ballot at the next scheduled election that is at least 120 days after the Legislature adjourns, which would be either the November 3 general election, or an intervening special election if one is held on the pending recall petition.

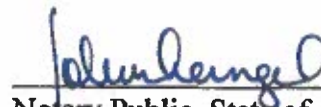
8. The ballots will be submitted to the printer for the November 3 general election on September 1, meaning a decision would be needed by August 31. The ballot printing deadline for an intervening special election would depend on if and when such an election is held, which is currently unknown.

Dated: February 24, 2020.


Gail Fenumiai

SUBSCRIBED AND SWORN TO before me on this 24th day of February 2020.




Notary Public, State of Alaska

My commission expires: 12/31/2020

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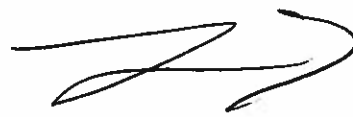
NOTICE OF FILING SCANNED AFFIDAVIT

The State provides this notice of filing a scanned, signed Affidavit of Gail Fenumiai in Support of Notice of Relevant Dates accompanying this notice. The original will be filed when it is received and should replace this scanned notice upon receipt by this court.

DATED February 24, 2020.

KEVIN G. CLARKSON
ATTORNEY GENERAL

By:



Laura Fox
Alaska Bar No. 0905015
Margaret Paton Walsh
Alaska Bar No. 0411074
Assistant Attorneys General

FILED
STATE OF ALASKA
COURT OF APPEALS
JAN 21 2020
BY _____
DEPUTY CLERK

BY agent appointed by the court, or by a duly sworn deputy clerk, or by a person authorized by the court
DEPUTY CLERK

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